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Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00
FMC-01 TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 USIA-06 /122 W
----------011221Z 021231 /43
R 011044Z JUN 77
FM USINT BAGHDAD
TO SECSTATE WASHDC 4620
INFO AMEMBASSY ABU DHABI
AMEMBASSY DOHA
AMEMBASSY JIDDA
AMEMBASSY KUWAIT
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
AMEMBASSY TEHRAN
US MISSION USUN NEW YORK 112

C O N F I D E N T I A L BAGHDAD 0913

USUN FOR LOSDEL

E.O. 11652: GDS
TAGS: PLOS IZ
SUBJECT: LAW OF THE SEA

REF: STATE 116631

1. ACTING PRINCIPAL OFFICER MET WITH HEAD OF IRAQI LOS DELEGATION AND DIRECTOR GENERAL OF LEGAL AFFAIRS IN THE FOREIGN MINISTRY, DR. ABDUL HUSAIN AL-QATIFI, ON MAY 29. USINT HAD REQUESTED MEETING TO PRESENT USG POSITION ON MARINE SCIENTIFIC RESEARCH (REFTEL). QATIFI, HOWEVER, CLEARLY WANTED TO DISCUSS LOS MATTERS WITH USG
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REPRESENTATIVE IN BROADER TERMS.

2. FOLLOWING MY PRESENTATION ON MSR ISSUE, QATIFI BEGAN BY SAYING THAT IRAQ TAKES AN EVEN FIRMER POSITION ON FREEDOM OF NAVIGATION THAN THE U.S. AND EUROPEAN STATES. IRAQ WOULD LIKE TO DELETE FROM THE REVISED SINGLE NEGOTIATING TEXT THE ARTICLE WHICH DISTINGUISHES BETWEEN STRAITS

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THAT CONNECT HIGH SEAS AND STRAITS THAT CONNECT THE
HIGH SEA TO A TERRITORIAL SEA. IRAQI GOVERNMENT IS
FEARFUL THAT PERSIAN GULF WILL AT SOME POINT BE TRANS-
FORMED INTO TERRITORIAL SEA, THUS EFFECTIVELY BLOCKING
IRAQ'S LIFELINE TO THE WORLD. QATIFI NOTED THAT EXTENSION
OF TERRITORIAL SEAS FROM THREE TO TWELVE MILES, ESPECIALLY
IN VIEW OF THE SHALLOWNESS OF GULF WATERS AND OF THE CLOSE-
NESS TO ISLANDS OF MOST TRADITIONAL SEA LANES, COULD,
AT SOME TIME IN THE FUTURE, PERMIT COASTAL STATES TO
RESTRICT TRANSIT THROUGH THE GULF TO INNOCENT PASSAGE.
IRAQ WOULD FAVOR A SPECIAL ARTICLE TO GUARANTEE FREEDOM
OF NAVIGATION FOR ALL SHIPS, BOTH MERCHANT VESSELS AND
MILITARY VESSELS, IN ALL SEAS PRESENTLY CONSIDERED TO BE
INTERNATIONAL. QATIFI SAID THAT LEGAL ADVISOR TO THE
IRANIAN FOREIGN MINISTER HAD ALREADY SUGGESTED TO HIM THAT
GULF LITTORAL STATES SHOULD BE ABLE TO PREVENT ENTRY OF
ALL SHIPS EXCEPT THOSE WHICH THEY AGREE AMONG THEMSELVES
SHOULD BE PERMITTED TO ENTER. IN THIS CONNECTION, QATIFI
DENIED THAT IRAQ HAD EVER ENDORSED THE VIEWS OF SOME
OTHER ARAB STATES, ESPECIALLY OMAN, ABOUT ESTABLISHING
A SPECIAL REGIME OF LITTORAL STATES TO REGULATE NAVIGATION
IN THE GULF.

3. QATIFI ALSO EXPRESSED THE VIEW THAT IRAQ WAS A
GEOGRAPHICALLY DISADVANTAGED STATE WHICH HAS GAINED
NOTHING FROM THE ESTABLISHMENT OF ECONOMIC ZONES AND HAS
RTST ITS RIGHTS TO FISH IN THE GULF. QATIFI FELT THAT
OVER 50 STATES, WHICH HE BELIEVES FALL INTO A CATEGORY
OF BEING EITHER LANDLOCKED OR DISADVANTAGED, SHOULD AT
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LEAST BE ALLOWED TO FISH IN THE ECONOMIC ZONES OF THEIR
NEIGHBORS. HE WOULD ALSO LIKE TO SEE THE RIGHTS OF THESE
STATES PROTECTED WITH REGARD TO SEMI-ENCLOSED SEAS.

4. USINT OFFICER ASKED WHY IRAQ SEEMED WILLING TO GO
ALONG WITH GROUP OF 77 ON CERTAIN ISSUES, INCLUDING THAT
OF MARINE RESEARCH, WHICH WOULD SEEM TO UNDERCUT IRAQI
POSITION IN FAVOR OF FREEDOM OF NAVIGATION BY EXPANDING
POWERS OF COASTAL STATES OVER EZ. QATIFI SAID THAT IRAQ
HAS BEEN TRYING TO WORK WITHIN G-77, BUT IT IS LOSING
PATIENCE. IRAQ HAS, FOR EXAMPLE, FIRMLY RESISTED PRESSURE
FROM OTHER GROUP MEMBERS, MOST RECENTLY FROM CHINESE, TO ADD
IRAQI SIGNATURE TO G-77 POSITION ON REGIME FOR DEEP SEABEDS.
IRAQ, SAID QATIFI, WILL NOT SACRIFICE ITS INTERESTS FOR SAKE
OF G-77 UNITY.

5. QATIFI VOICED COMPLAINT THAT U.S., SOVIETS AND
EUROPEANS HAD NOT SHOWN MUCH INTEREST IN LISTENING TO
IRAQ'S VIEWS. HE SUGGESTED THAT A BLOC OF LANDLOCKED AND

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DISADVANTAGED STATES COULD CHANGE POSITION OF G-77 ON DEEP SEABEDS, BUT, HE ADDED, "THERE HAS TO BE SOMETHING IN IT FOR US." QATIFI EXPRESSED INTEREST IN CLOSE CONTACTS BETWEEN IRAQI LOS DELEGATION, WHICH HE WILL BE JOINING SOME TIME IN JUNE, AND U.S. DELEGATION. HE SUGGESTED THAT CONTACT POINT IN NEW YORK SHOULD BE EITHER FOREIGN MINISTRY'S LOS EXPERT AMER URAIM, OR MORE SENIOR DEPUTY HEAD OF IRAQI DELEGATION, AKRAM AL-WITRI.

6. QATIFI IS A FRENCH-TRAINED LAWYER WHO IS EQUALLY COMFORTABLE DISCUSSING LOS MATTERS IN EITHER ARABIC OR FRENCH. IN FACT, HOWEVER, WHEN MY ARABIC BROKE DOWN ON TECHNICAL LOS QUESTIONS, QATIFI SHIFTED INTO ENGLISH, WHICH HE CAN HANDLE VERY CREDITABLY. HE SHOWS REAL INTEREST IN TACTICAL COORDINATION WITH U.S. DELEGATION, AND A BILATERAL MEETING WITH AMBASSADOR RICHARDSON MIGHT PAY DIVIDENDS IN TERMS OF BROADENING SUPPORT FOR SOME OF
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OUR POSITIONS. IN ANY CASE, I URGE WORKING LEVEL FOLLOW-UP WITH IRAQI LOS DELEGATION.
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Message Attributes

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